

COMMONWEALTH OF MASSACHUSETTS

DEPARTMENT OF TELECOMMUNICATIONS AND ENERGY

	)	
Investigation re Competitive Market	)	
Initiatives	)	D.T.E. 01-54
	)	

**EXECUTIVE SUMMARY OF THE  
COMMENTS OF MASSACHUSETTS ELECTRIC COMPANY  
AND NANTUCKET ELECTRIC COMPANY**

**DISTRIBUTION OF INFORMATION KNOWN BY DISTRIBUTION COMPANIES TO  
COMPETITIVE MARKETERS**

**Ability of customers to “opt-in” or “opt-out” of information sharing and supplier marketing**

While customer names, addresses, and rate classes do not constitute proprietary information, monthly usage and demand, load interval data, and credit information are. For non-proprietary information, it is appropriate for distribution companies to supply this information requesting, licensed suppliers and brokers who sign an agreement to limit the use of this information to marketing energy and energy related services unless customers request that the distribution company not do so. The distribution companies should notify customers through occasional bill messages or inserts about their ability to opt out. The distribution companies should not release any proprietary information to customers without the explicit authorization from those customers. Mass. Electric recommends that the release of billing and load data information be handled the way customer switches are handled now. Suppliers with written authorization from customers could get this information as an Electronic Business Transaction without any further manual process.

**Department’s authority to penalize marketers for violations**

The Department has the statutory authority pursuant to M.G.L. c. 164, §1F(3) to penalize marketers for violations of its orders in this docket and contracts with the distribution companies for the implementation of the directives contained in these orders. The Department would have to change its regulations governing standards of conduct, 220 CMR 12.00 et seq., to implement these penalties.

**Miscellaneous**

Mass. Electric would not object to the Department’s broadening the distribution of customer names and addresses to include standard offer customers.

The answer to how frequently information should be updated depends on the ultimate decision concerning the information to be released. Load and interval data are more difficult and time consuming

to assemble than name and address information, for example.

At present, we do not collect the costs involved with the distribution of information, except pursuant to our load interval data tariff approved by the Department in D.T.E. 01-28 (Phase I). In general, we recommend that in the long run the suppliers bear the costs of providing the information, as it is information that they will use in their marketing efforts.

Mass. Electric believes that services appurtenant to the supply of electricity, such as demand side management services, are included in the term energy-related services. Mass. Electric recommends that the Department set forth the definition in more detail in order to clarify it for the parties and inform the contracts between the distribution companies and suppliers.

## **ELECTRONIC SIGNATURES**

To the extent that the federal electronic signatures law does not pre-empt the state law, an electronic signature would not be sufficient for customers signing up with suppliers. Otherwise, electronic signatures may be used. If the Department promulgates regulations governing new processes for releasing information, the regulations could include the use of electronic signatures.